

Principal Changes in the Tenth Circuit Rules for 2009

Comment Period September 12, 2008 through October 27, 2008

There are no changes to the Federal Rules of Appellate Procedure for 2009. The only proposed changes are to the Tenth Circuit Rules. Those proposed changes are outlined below. If you have comments, please submit them to Ca10_Clerk@ca10.uscourts.gov by October 27, 2008. The new local rules will take effect January 1, 2009. Both a redlined and original version of the proposed rules can be found on the court's website at www.ca10.uscourts.gov

Proposed Tenth Circuit Rules Changes for 2009

Tenth Circuit Rule 8.2(A)(5)

This new proposed rule requires parties filing emergency motions in immigration stay matters to attach relevant agency orders.

Tenth Circuit Rule 25.6

This new proposed rule will allow parties, with approval from opposing counsel/parties, to use the court's ECF system to serve pleadings when the court goes live in 2009.

Tenth Circuit Rule 27.3(A)

This is a proposed amendment to the existing rule requiring parties to contact opposing counsel when filing a motion. The proposed amendment requires counsel to contact opposing parties "well in advance of filing a motion." The court has seen a proliferation of situations where opposing counsel is called immediately before filing, and the resulting statement advises that counsel could not be reached. This proposed

amendment encourages counsel to communicate with opposing parties well in advance of any pending deadlines.

Grammar Changes Anticipating ECF

Small changes were made in the local rules in various sections alerting practitioners that the court will begin to transition to attorney “ECF” filing in 2009. None of the changes alter the substance of the rules.